

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:95-cr-70-02

v.

HONORABLE PAUL L. MALONEY

JEREMY JOSEPH SINGLETON

Defendant.

/

**MEMORANDUM OPINION AND ORDER**

Defendant Jeremy Joseph Singleton has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 706 and 711 of the United States Sentencing Guidelines modified the Drug Quantity Table with regard to cocaine base (crack cocaine). These modifications were made retroactive effective March 8, 2008. U.S.S.G. § 1B1.10(c). Additionally, Amendment 706 provides three exclusions to the application of the two-level reduction to the sentencing guideline range. One exclusion is that Amendment 706 does not permit a court to apply a two-level reduction if the offense involved more than 4.5 kilograms of cocaine base. Therefore, defendant's offense level has not changed.

As Defendant is currently serving a term of imprisonment based on his offense which

included distributing 13.6 kilograms of cocaine base, the Court is not authorized to reduce his term of imprisonment based upon the modifications to the sentencing guidelines. Accordingly,

**IT IS HEREBY ORDERED** that Defendant Jeremy Joseph Singleton's motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (Dkt. #335) is **DENIED**.

Date: May 12, 2008

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge